

STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS,
DEPARTMENT OF HEALTH,
BOARD OF MEDICAL LICENSURE
AND DISCIPLINE

C90-099A

In the matter of:
Walter C. Cotter, M.D.

CONSENT ORDER

Pursuant to Section 5-37-5.1 of the General Laws of the State of Rhode Island, 1956, as amended, a complaint was filed with the Board of Medical Licensure and Discipline (hereinafter referred to as "Board") alleging Walter C. Cotter, M.D., Respondent, violated Section 5-37-5.1 of the General Laws of the State of Rhode Island, 1956, as amended. An investigation was conducted by Investigating Committee I, so called, of the Board.

Investigating Committee I reported its evaluations and recommendations to the Board. The report was reviewed by the Board and it recommended further action.

The following constitutes the Investigating Committee's Investigative Findings with respect to the professional performance of the Respondent.

Investigative Findings

1. In January 1988, the Respondent saw a patient in consultation for complaints of an almost one year history of neck and arm pain. The Respondent reviewed previous x-rays and ordered certain diagnostic tests of the subclavian and vertebral arteries. After examining the patient and reviewing the x-rays, the Respondent chose to perform a cervical myelogram under local anesthesia at an area hospital.

2. In order to perform the cervical myelogram, a puncture needle was inserted at the C1-C2 intervertebral space.

While the Respondent was preparing to draw the dye for the myelography, the patient transiently lost consciousness. The Respondent was able to revive the patient with the aid of "smelling salts" administered by a radiology technician. The patient was repositioned for the procedure. The Respondent injected the dye and the patient again lost consciousness. The procedure was promptly discontinued.

3. Following re-awakening, the patient exhibited one-sided weakness and multiple cranial nerve palsies. The Respondent immediately ordered a CT-scan which demonstrated a dye filled column in the spinal cord. Following some initial improvement, the patient died suddenly 43 hours after the procedure.

4. Autopsy revealed a blood filled cystic cavity in the spinal cord, medulla and pons, attributed to hemorrhage into the cystic cavity following the diagnostic procedure. The neurological abnormalities were attributed to puncture of the cervical spinal cord (C1-C2) and injection of the dye into the cervical spinal cord cystic structure with dissection upwards into the medulla and pons.

5. The Board alleges that the Respondent violated Rhode Island General Laws 5-37-5.1 (28) "Medical Malpractice" for continuing the elective procedure after the patient first lost consciousness.

The parties agree as follows:

- (1) The Respondent is a physician licensed and doing business under and by virtue of the Laws of the State of Rhode Island, with an active/retired allopathic license No. 3344. Respondent's mailing address is 455 Tollgate Road,

Warwick, Rhode Island 02886.

(2) Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.

(3) Respondent has read this Consent Order and understands that it is a proposal of Investigating Committee of the Board and is subject to the final approval of the Board. This Consent Order is not binding on respondent until final ratification by the Board.

(4) Respondent hereby acknowledges and waives:

- a. The right to appear personally or by counsel or both before the Board;
- b. The right to produce witnesses and evidence in his behalf at a hearing;
- c. The right to cross examine witnesses;
- d. The right to have subpoenas issued by the Board;
- e. The right to further procedural steps except for specifically contained herein;
- f. Any and all rights of appeal of this Consent Order;
- g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;
- h. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;
- i. Any objection to the fact that potential bias by Board members against the Respondent may occur as a result of the presentation of this Consent Order to the Board.

Respondent, the Investigative Committee will recommend to the Board that an Administrative Hearing be scheduled with respect to any and all acts of alleged unprofessional conduct. If the Board approves, a Hearing Committee will be convened for the purpose of conducting the Administrative Hearing. The composition of the Hearing Committee is described by statute. If the Hearing Committee votes in favor of finding the Respondent guilty of unprofessional conduct as specified in the charges, the Board shall prepare written finding of fact and law in support of said conclusion. If the accused is found not guilty, the Board shall, forthwith, issue an order dismissing the charges.

(6) The Respondent does not admit to the alleged violation but understands that it is a finding of the Investigating Committee. The Respondent accepts the Consent Order to avoid having to contest this matter further.

(7) By agreeing to this Consent Order, the Board agrees not to pursue this matter further.

(8) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board. It shall be published as the Board, in its exercise of its discretion, shall determine.

(9) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.

(10) The Respondent's license to practice medicine is voluntarily restricted as follows:

- (a) Respondent will no longer perform surgery.
- (b) Respondent will not serve as the primary physician for patients. He may serve as a consultant for

other physicians.

(c) Respondent may perform independent medical examinations and private consultations. He may order diagnostic tests to complete his consultation.

(11) The Respondent shall pay an Administrative Fee of Two Hundred and Fifty (\$250) Dollars to the Board within sixty days of ratification of this Consent Order.

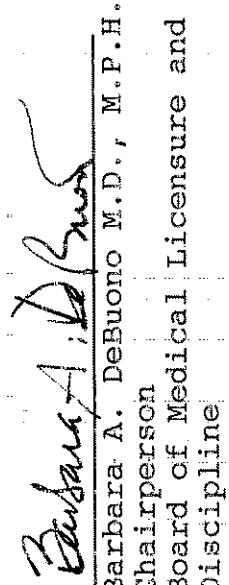
Signed this

7th day of February 1994.



Walter C. Cotter, M.D.

Ratified by the Board of Medical Licensure and Discipline at a meeting held on February 7, 1994.



Barbara A. DeBuono M.D., M.P.H.
Chairperson
Board of Medical Licensure and
Discipline